



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-01**

February 4, 2003

Kim Demetry
23 Karen Rd
Dunbarton, NH 03046

RE: DES Wetlands File #2000-02696 Karen Rd, Dunbarton

Dear Ms. Demetry

On December 24, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Dunbarton Tax Map K1 as Lot 7-2 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented

- A seasonal dock was documented within the waters of Gorham Pond. Seasonal docking facilities are required to be removed for the non-boating season.
2. An additional retaining wall has been constructed along the frontage in excess of Wetlands permit # 95-01958(*Copy enclosed*), issued to George and Muriel Pronovost on April 30, 1996.

In response, you are requested to take the following actions

- The seasonal dock needs to be removed from Gorham Pond within 30 days from the date of this letter.
2. Under the conditions and terms of permit # 95-1958, the Wetlands Bureau authorized the previous owner to retain a 35 foot long section of retaining wall on the southern portion of the property and stabilize a 45 foot section with loam, seed and plantings. The additional retaining wall documented along the northern frontage was constructed without a permit from DES. Therefore, DES requests that you submit the enclosed application, completed, within 90 days, to retain the additional retaining wall on the frontage. Include a detailed plan, showing the entire frontage, with the wall located to fixed points on the frontage. Include when the walls were constructed and who did the work. Provide historical evidence of the docking facility, to include location, dimensions and photos of the frontage.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines or Administrative Order. If an Administrative Order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Darlene Forst, Shoreline Supervisor
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

Mary Ann Tilton

Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL : 7099 3400 0003 0688 7565

cc: Rene Pelletier, Manager, Land Resources Management Program
Mark Harbaugh, DES Legal Unit ✓
Dunbarton Conservation Commission
Dunbarton Board of Selectmen
David Killoy, USACOE
Allyson Gourley, DES Shoreland Compliance Coordinator